

REMARKS

The Examiner appears to be applying impermissible hindsight. MPEP §2142 states that "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion on motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings". Handley is concerned solely with standard SIP messages having a message body which is defined in section 8 (as noted in the response of 10 March 2005). There is no suggestion or motivation in Handley to include software code in a SIP message. Venkatraman is concerned with sending email attachments. Similarly, there is no suggestion or motivation in Venkatraman to amend POP or SMTP messages to allow storing of software code in those messages.

Secondly MPEP §2142 requires that "there must be a reasonable expectation of success". It is noted that the concepts of Handley and Venkatraman are incompatible. Handley is not concerned with transmitting software code but only with setting up SIP sessions. Venkatraman is concerned with sending software as email attachments. The SIP, POP and SMTP protocols are all entirely different and could not be combined and expected to work together.

Finally, MPEP §2142 requires the prior art reference (or references when combined) to teach or suggest all the claim limitations. The combination of Handley and Venkatraman does not disclose all the features of the claims since neither of these documents discloses the storing of software in a protocol message.

It is noted that MPEP §2142 also requires "the teaching or suggestion to make the claim combination and the reasonable expectation of success must both be found in the prior art . . .".

Thus it is respectfully submitted that the Examiner has not succeeded in demonstrating any of the three requirements for prima facie obviousness to be found.

Furthermore, it is noted that Venkatraman teaches away from the invention since SIP protocol messages are invisible to an end user and yet Venkatraman strongly teaches user visibility of the operation of the ideas disclosed in Venkatraman.

It is very important to distinguish between SIP messages and the user messages which they enable. SIP is responsible for enabling end user communication (by establishing communication sessions between telephony applications, for example), but SIP messages themselves are normally invisible to the end user.

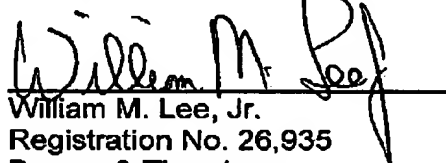
An email message, on the other hand, is a user message which is to be transferred across the network. The function of an email message is to communicate information from end user to end user. Thus, an email message is clearly a human-to-human message and not a machine-to-machine message.

Applicants therefore submit that an email message allowing the presentation of information to users, as stated in the previous response, is not the equivalent of a signalling protocol message such as SIP which enables machine to machine communication.

It is therefore submitted that the claims, as cast, are allowable, and further and favorable reconsideration is urged.

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Respectfully submitted,



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